

The article was alleged to be adulterated in that it contained filthy animal or vegetable substances, to wit, worm debris.

On December 10, 1937, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28125. Misbranding of canned cherries. U. S. v. Chehalis Packing Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 39765. Sample No. 36035-C.)

This product contained an excessive number of pits.

On September 24, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chehalis Packing Co., a corporation, Chehalis, Wash., alleging shipment by the defendant on or about February 22, 1937, from the State of Washington into the State of California of a quantity of canned cherries which were misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Distributed by Smith, Lynden & Co. San Francisco * * * Water Pack Red-Sour-Pitted Cherries."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On October 14, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28126. Misbranding of dairy feed. U. S. v. Golden Grain Mills, Inc. Plea of guilty. Fine, \$75. (F. & D. No. 39761. Sample Nos. 837-C, 838-C, 839-C.)

This product was deficient in protein.

On July 28, 1937, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Golden Grain Mills, Inc., Rossmoyne, Pa., alleging shipment by the defendant on or about February 9 and March 23 and 29, 1937, from the State of Pennsylvania into the State of Maryland of quantities of dairy feed which was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Golden Grain Mills, Inc. * * * Harrisburg, Penna. Plant Rossmoyne, Penna. Golden Grain Dairy Feed 34%."

Misbranding was alleged in that the statement "Protein (Min.) 34%," borne on the tags attached to the bags, was false and misleading in that it represented that the article contained not less than 34 percent of protein, whereas it contained a less amount; and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser.

On October 20, 1937, a plea of guilty was entered in behalf of the defendant and it was sentenced to pay a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28127. Adulteration and misbranding of butter. U. S. v. Stanley James Duncan and George Clay Powell (Liberty Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. No. 39788. Sample Nos. 31732-C, 31733-C.)

This product contained less than 80 percent of milk fat.

On October 2, 1937, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Stanley James Duncan and George Clay Powell, trading as the Liberty Creamery Co., alleging shipment by the defendants on or about May 4 and 11, 1937, from the State of Indiana into the State of Ohio of quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "'Countryside' Brand Butter [or 'Sunny Boy Quality Creamery Butter'] * * * Distributed by Countryside Farm Products Co. Cincinnati, Ohio."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as prescribed by the act of March 4, 1923, which it purported to be.

Misbranding was alleged in that the statement "Butter," borne on the wrapper, was false and misleading in that it represented that the article was butter; whereas it was a product which did not contain 80 percent by weight of milk fat.

On October 7, 1937, a plea of guilty was entered on behalf of the defendants and they were sentenced to pay a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28128. Adulteration of canned cherries. U. S. v. R. D. Bodle Co. Plea of guilty. Fine, \$250 and costs. (F. & D. No. 39776. Sample No. 32694-C.)

Samples of this product were found to contain maggots.

On October 27, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. D. Bodle Co., a corporation, Seattle, Wash., alleging shipment by the defendant on or about March 2, 1937, from the State of Washington into the State of Montana of quantities of canned cherries that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Heep Full Brand * * * Packed by Valley Fruit Canning Co. Puyallup, Wash. U. S. A. Red Sour Pitted Cherries."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On November 15, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$250 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28129. Adulteration and misbranding of olive oil. U. S. v. Kakarakis Bros. Plea of guilty. Fine, \$75. (F. & D. No. 39757. Sample Nos. 25574-C, 33523-C, 33524-C, 33525-C.)

This product consisted in part of corn oil or cottonseed oil.

On September 17, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Kakarakis Bros., a corporation, Chicago, Ill., alleging shipment by the defendant on or about August 7 and 28, 1936, and January 15, 1937, from the State of Illinois into the State of Indiana of quantities of alleged olive oil that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Electra Brand Extra Superfine Pure Olive Oil * * * Imported and packed by Kakarakis Bros. Chicago, Ill."; or "Riviera Brand Pure Olive Oil * * * Kakarakis Bros., Inc. Chicago."

The article was alleged to be adulterated in that cottonseed oil in the case of two lots, and corn oil in the case of the two other lots, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for pure olive oil, which it purported to be.

Misbranding was alleged in that statements borne on the labels, (Electra-brand) "Extra Superfine Pure Olive Oil" and "Warranted Absolutely Pure Olive Oil Under Chemical Analysis," and (Riviera brand) "Pure Olive Oil," were false and misleading since the article was not pure olive oil but was a product containing corn oil in the case of two lots, and cottonseed oil in the case of the two other lots; in that the article was labeled as aforesaid so as to deceive and mislead the purchaser; and in that it was an imitation of olive oil which had been offered for sale under the distinctive name of another article, olive oil.

On October 27, 1937, a plea of guilty was entered on behalf of the defendant and it was sentenced to pay a fine of \$75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28130. Adulteration of prunes. U. S. v. The McLain Grocery Co. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 39756. Sample No. 14588-C.)

This product was insect-damaged and was contaminated with insect excreta.

On July 29, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the McLain Grocery Co., a corporation, Massillon, Ohio, alleging shipment by the defendant on or about April 14, 1937, from the State of Ohio into the State of Illinois, of a quantity of prunes that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Richmond Brand Santa Clara Prunes * * * L Redblatt Chicago, Ill."